रजिस्ट्री सं० डी. 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 58] नई दिल्ली, मंगलवार, दिसम्बर 7, 1965/अग्रहायण 16, 1887
No. 58] NEW DELHI, TUESDAY, DECEMBER 7, 1965/AGRAHAYANA 16, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 7th December, 1965:—

BILL No. 91 OF 1965

A bill to provide for the extension of the Punjab Co-operative Societies Act, 1961, to the Union territory of Delhi and for matters connected theretwith.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. This Act may be called the Punjab Co-operative Societies (Extension to Delhi) Act, 1965. Short title.

Punjab Act 25 of 1961.

2. The Punjab Co-operative Societies Act, 1961, as in force in the State of Punjab on the date of commencement of this Act, is hereby extended to the Union territory of Delhi with the following modifications, namely:— Extension of Punjab Co-operative Societies Act, 1961, to Delhi.

In the said Act,—

(i) unless otherwise provided, for the word "Government" [except where it occurs in section 31, clause (vi) of

section 32, sections 60 and 67 and in the expression "Central Government"], the words "Chief Commissioner" shall be substituted and there shall also be made in any sentence in which the word "Government" occurs, such consequential amendments as the rules of grammar may require;

(*ii*) in section 1,—

(*a*) in sub-section (*2*), for the words "State of Punjab", the words "Union territory of Delhi" shall be substituted;

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) It shall come into force on such date as the Chief Commissioner may, by notification in the Delhi Gazette, appoint.";

(*iii*) in section 2,—

(*a*) after clause (*a*), the following clause shall be inserted, namely:—

'(*aa*) "Chief Commissioner" means the administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;';

(*b*) clause (*f*) shall be omitted;

(*c*) in clause (*g*), for the word "Government", the words "Central Government" shall be substituted;

(*d*) after clause (*l*), the following clause shall be inserted, namely:—

'(*m*) "Tribunal" means the Delhi Co-operative Tribunal constituted under section 68A;';

(*iv*) in section 3,—

(*a*) in sub-section (*1*), for the word "State", the words "Union territory of Delhi" shall be substituted;

(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) The Chief Commissioner may, by notification in the Delhi Gazette and subject to such conditions as he may think fit to impose, confer all or any of the powers of the Registrar under this Act on any federal society, classified as such under the rules with reference to the composition of its membership and the voting rights of its members, or on an officer of such federal society; and every society or officer

on whom the powers of the Registrar are so conferred shall exercise such powers under the general guidance, superintendence and control of the Registrar.";

(*v*) in section 6, in clause (*c*) of section 15, in section 18, in clause (*a*) of sub-section (*2*), and in sub-section (*3*) of section 26, in sub-section (*3*) of section 38 and in section 40, for the word "Government", wherever it occurs, the words "Central Government" shall be substituted;

(*vi*) in section 26, sub-section (*4*) shall be omitted;

17 of 1887 (*vii*) in section 32, in clause (*vii*), for the words and figures "section 31 of the Punjab Land Revenue Act, 1887", the words "any law relating to land revenue for the time being in force" shall be substituted;

(*viii*) in section 38, for sub-sections (*1*) and (*2*), the following sub-sections shall be substituted, namely:—

"(*1*) The Central Government may, by notification in the Official Gazette, remit the income-tax payable in respect of the profits of any class of co-operative societies or the dividends or other payments received by members of any class of such societies on account of profits.

(*2*) The Central Government may, by notification in the Official Gazette, remit in respect of any class of co-operative societies—

(*a*) the stamp duty chargeable under any law for the time being in force in respect of any instrument executed by or on behalf of a co-operative society or by an officer or member thereof and relating to the business of such society, or any class of such instruments or in respect of any award or order made under this Act, in cases, where, but for such remission the co-operative society, officer or member, as the case may be, would be liable to pay such stamp duty;

(*b*) any fee payable under any law for the time being in force relating to the registration of documents or court-fees.";

(*ix*) in section 39,—

(*a*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

'(*2A*) Where a requisition in writing from any society registered or deemed to be registered in any reciprocating State in respect of a member of that

society, who has executed any such agreement as is referred to in sub-section (*1*) and who for the time being is employed in the Union territory of Delhi, is received by his employer, the requisition shall be acted upon as if it had been made by a society in Delhi and the provisions of this section shall have effect accordingly.

Explanation.—For the purposes of this sub-section, "reciprocating State" means any State or Union territory which the Chief Commissioner may, by notification in the Delhi Gazette, declare to be a reciprocating State.';

(*b*) in sub-section (*3*), after the words, brackets and figure "under sub-section (*2*)", the words, brackets, figure and letter "or sub-section (*2A*)" shall be inserted;

(*x*) in section 63, for the words and figures "or arbitrator under sections 54, 56, 62 and 68", the words, figures and letters ", arbitrator or Tribunal under sections 54, 56, 62, 68, 68A and 68B" shall be substituted;

(*xi*) in section 66, for the words and figures "Article 182 of the First Schedule to the Indian Limitation Act, 1908", the words and figures "Article 136 of the Schedule to the Limitation Act, 1963" shall be substituted; 9 of 1908. 36 of 1963.

(*xii*) in section 68, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) An appeal against any decision or order under sub-section (*1*) shall be made within sixty days from the date of the decision or order,—

(*a*) if the decision or order falls under clause (*f*), (*g*), (*h*) or (*k*) of sub-section (*1*), to the Tribunal;

(*b*) in any other case, to the Chief Commissioner or the Registrar according as the decision or order was made by the Registrar or any other person.";

(*xiii*) after section 68, the following sections shall be inserted, namely:—

Delhi Co-operative Tribunal.

"68A. (*1*) **The Chief Commissioner shall constitute a Tribunal to be called the Delhi Co-operative Tribunal, to exercise the functions conferred on the Tribunal by or under this Act.**

(2) The Tribunal shall consist of not more than three members possessing such qualifications as may be prescribed.

(3) Any vacancy in the membership of the Tribunal shall be filled by the Chief Commissioner.

(4) Subject to the previous approval of the Chief Commissioner, the Tribunal shall frame regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure and the disposal of its business.

(5) The regulations made under sub-section (4) shall be published in the Delhi Gazette.

(6) The Tribunal may call for and examine the record of any proceedings, in which an appeal lies to it, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and if in any case it shall appear to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem fit.

(7) An order passed in appeal under section 68 or in revision under sub-section (6) of this section or in review under section 68B by the Tribunal, shall be final and conclusive, and shall not be called in question in any civil or revenue court.

Explanation.—The Tribunal hearing an appeal under this Act shall exercise all the powers conferred upon an appellate court by section 97 of, and Order XLI of the First Schedule to, the Code of Civil Procedure, 1908.

5 of 1908.

Review of orders of Tribunal.

68B. (1) The Tribunal may either on the application of the Registrar, or on the application of any party interested, review its own order in any case, and pass in reference thereto such order as it thinks just:

Provided that no such application made by the party shall be entertained unless the Tribunal is satisfied that there has been the discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its

order was made, or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reason:

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) An application for review under sub-section (1) by any party shall be made within ninety days from the date of communication of the order of the Tribunal.";

(*xiv*) in section 69, after the word and figures "section 68", the brackets and words "(not being any proceedings in which an appeal lies to the Tribunal)" shall be inserted;

(*xv*) in section 70, for the word "Government", wherever it occurs, the words "Tribunal or the Chief Commissioner" shall be substituted and for the word and figures "section 69", the words, figures and letter "section 68A or section 69" shall be substituted;

(*xvi*) in section 77, for the words "Official Gazette", the words "Delhi Gazette" shall be substituted;

(*xvii*) in section 81, in sub-section (1), for the words and figures "or under the Punjab Co-operative Societies Act, 1954", the words and figures "or under the Bombay Co-operative Societies Act, 1925, as in force in the Union territory of Delhi" shall be substituted;

Punjab Act 14 of 1885.

Bombay Act 7 of 1925.

(*xviii*) in section 83,—

(*a*) in sub-section (1), after the words "hold an inquiry", the words "and the Tribunal" shall be inserted;

(*b*) in sub-section (2), after the word "liquidator", the words "or the Tribunal" shall be inserted;

(*xix*) in section 85,—

(*a*) in sub-section (2),—

(*i*) after clause (*xxviii*), the following clause shall be inserted, namely:—

"(*xxviiia*) the qualifications of the members of the Tribunal;";

(2) clause (*xxxv*) shall be omitted;

(*b*) in sub-section (*3*), for the words "the State Legislature", the word "Parliament" and for the word "ten", the word "thirty" shall be substituted;

(*xx*) section 86 shall be omitted.

Repeal and saving.

3. On the day on which the Punjab Co-operative Societies Act, 1961, as extended by this Act to the Union territory of Delhi comes into force therein by virtue of a notification issued under sub-section (*3*) of section 1 of that Act, the Bombay Co-operative Societies Act, 1925, as in force in the Union territory of Delhi shall stand repealed:

Punjab 25 1961.

Bombay Act 7 of 1925.

Provided that the repeal shall not affect,—

(*a*) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if that Act had not been repealed.

STATEMENT OF OBJECTS AND REASONS

In pursuance of the general policy to simplify co-operative law and procedure to meet the requirements of co-operative development, it has become necessary to replace the existing co-operative legislation on the subject in the Union territory of Delhi. The Bombay Co-operative Societies Act, 1925 was extended to Delhi in 1949, but that Act has been repealed and replaced by new Acts in the States of Maharashtra and Gujarat. As the socio-economic conditions in Delhi are very similar to those in the State of Punjab, it is considered that the Punjab Co-operative Societies Act, 1961, which comes close to the concept of a model co-operative law and which suits the conditions in Punjab, will be suitable, with some modifications, for Delhi.

2. The salient features of the Punjab Act are that it contains provisions for obviating delays in the registration of co-operative societies, contribution by co-operative societies to co-operative education fund, State partnership in co-operative societies and expeditious amalgamation and division of co-operative societies as well as for recovery of dues to such societies. It is accordingly proposed to extend the Punjab Act to the Union territory of Delhi. Additional provisions which do not find place in the Punjab Act have also been made in the Bill. They mainly relate to the conferment of powers of Registrar on federal co-operative institutions, the appointment of a Co-operative Tribunal with appellate and revisionary powers in certain matters and the recovery of amounts due to a co-operative society registered elsewhere in India from a member thereof employed in the Union territory of Delhi, if similar facility has been provided for by law in the State or Union territory where such society is registered.

3. The Bill seeks to extend to the Union territory of Delhi the Punjab Co-operative Societies Act, 1961, with the modifications referred to above and to repeal the Bombay Co-operative Societies Act, 1925, in its application to that Union territory.

S. K. DEY.

NEW DELHI;
The 25th November, 1965.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 3-16/59-CT/65 dated the 27th November, 1965 from Shri B. S. Murthy, Deputy Minister in the Ministry of Community Development and Co-operation to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill to repeal the Bombay Co-operative Societies Act, 1925, in its application to the Union territory of Delhi and for the extension of the Punjab Co-operative Societies Act, 1961, with certain modifications, to that territory, he has been pleased to recommend the introduction and consideration of the Bill in the Lok Sabha under clauses (1) and (3) of article 117 and clause (1) of article 274 of the Constitution.

FINANCIAL MEMORANDUM

By extending the Punjab Co-operative Societies Act, 1961 with certain modifications, to the Union territory of Delhi, this Bill seeks to replace the Bombay Co-operative Societies Act, 1925 in its application to the Union territory of Delhi. No new expenditure, apart from what is being spent on the administration of the Bombay Co-operative Societies Act, 1925 is contemplated by reason merely of the passing of this Bill.

Sections 3, 48, 49, 50, 51, 56 and 58 of the Punjab Co-operative Societies Act, 1961 which provide for the appointment of Registrar and other officers, audit, inspection and inquiry by the Registrar of Co-operative Societies, appointment of arbitrators and liquidators by the Registrar will not entail any additional expenditure as the Registrar's organisation is already undertaking these responsibilities in terms of the existing Co-operative Societies Act in force in the Union territory of Delhi.

Section 68A which is being incorporated in the Punjab Co-operative Societies Act, 1961 while extending it to the Union territory of Delhi provides for the constitution of a Tribunal on the lines of section 63-A of the Co-operative Societies Act in force in the territory and therefore no additional expenditure is involved.

Section 38 provides for remission of certain taxes including income-tax, stamp duty, court-fee, registration fee, land revenue, taxes on agricultural income, taxes on sales or purchase of goods and taxes on professions, trades, callings and employments. The financial liability to Government as a result of the application of this enabling provision will depend upon the nature and the extent of exemption given from time to time. The Co-operative Societies Act in force in the Union territory of Delhi already contains an enabling provision to exempt co-operatives from income-tax, stamp duty, court-fee and registration fee.

Section 40 of the Punjab Co-operative Societies Act provides for financial assistance to co-operatives in the form of share capital, loans and advances, subsidies and guarantees. The system envisaged in this provision is already in vogue and no additional expenditure to the Government is envisaged.

The budget provision of the Co-operative Department of the Union territory of Delhi for the current year is of the order of Rs. 18.36 lakhs. No additional expenditure is contemplated by reason merely of the passing of this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Punjab Co-operative Societies Act, 1961, as extended by this Bill, empowers the Chief Commissioner of Delhi to make rules to carry out the purposes of the Act. It has been provided in the Bill that all the rules so framed have to be laid before Parliament.

2. The matters on which rules can be made are matters of procedure or detail and the delegation of legislative power is thus of a normal character.

S. L. SHAKDHER,
Secretary.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI 1965.